

Message Text

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11

ACTION HEW-08

INFO OCT-01 NEA-05 ISO-00 SCI-06 NSF-04 EPA-04 AGR-20

SMI-01 DODE-00 COME-00 DOTE-00 INT-08 HUD-02 LOC-01

L-03 RSC-01 /064 W

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R 031340Z MAY 74

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 1251

UNCLA NEW DELHI 5933

E.O. 11652: N/A

TAGS: TPHY, OSCI, TBIO, IN

SUBJECT: DHEW/PHS/SFCP- MOH/DHEW SFC DRAFT

MODEL AGREEMENT

REF: STATE 079810

1. THE WHEELS OF GOVERNMENT GRIND SLOWLY. THE DRAFT AGREEMENT IS NOW WITH DEPARTMENT OF ECONOMIC AFFAIRS/ MINISTRY OF FINANCE FOR FINAL CLEARANCE OF THE WORDING. MR. KUTTY, JOINT SECRETARY, MINISTRY OF HEALTH TOLD DY.SCI/ATT. MOF IS LAST HURDLE AND WE SHOULD HAVE A GOI APPROVED DOCUMENT WITHIN A WEEK OR TWO.

2. FOR EXPEDIENCY, WE HAVE AGREED TO ATTACH A COVERING LETTER TO EACH OF THE MOH APPROVED PENDING HEALTH PROJECTS DELINEATING THAT BOTH SIDES HAVE AGREED ON THE NEW WORDING OF THE PATENT CLAUSE. THIS WILL NEGATE HAVING TO TYPE EACH OF THE 20 OR SO PROJECTS OVER AND HAVING TO OBTAIN THE NECESSARY SIGNATURES AGAIN WHICH COULD TAKE ANOTHER 6 MONTHS.

3. WE WOULD SUGGEST THE DHEW FORWARD THE NIH AGREEMENTS USING THE REVISED PATENT WORDING AS FOLLOWS:

SECTION K PUBLICATIONS AND PATENTS.

2. PATENTS: " ALL INVENTIONS CONCEIVED OR FIRST ACTUALLY

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REDUCED TO PRACTICE IN PERFORMANCE OF THE INVESTIGATION

SHALL BE REPORTED TO THE GOVERNMENT OF INDIA/MINISTRY OF HEALTH AND THE U.S. COLLABORATING INSTITUTION FOR DISPOSITION IN ACCORDANCE WITH THE POLICIES OF BOTH COUNTRIES AS SPECIFIED BELOW.

" THE OWNERSHIP AND MANNER OF DISPOSITION OF ALL RIGHTS IN SUCH INVENTIONS IN INDIA AND ALL OTHER COUNTRIES EXCEPT THE UNITED STATES SHALL BE FOR DETERMINATION BY THE GOVERNMENT OF INDIA/MINISTRY OF HEALTH SUBJECT TO A NON-EXCLUSIVE, NON TRANSFERABLE, PAID-UP LICENSE TO MAKE, USE AND SELL SUCH INVENTIONS THROUGHOUT THE WORLD BY OR ON BEHALF OF THE GOVERNMENT OF THE UNITED STATES. THE OWNERSHIP AND MANNER OF DISPOSITION OF ALL RIGHTS IN SUCH INVENTIONS IN THE UNITED STATES SHALL BE DETERMINED BY THE U.S. COLLABORATING INSTITUTION."

4. OTHERWISE FOLLOW THE OUTLINE AS AGREED TO PREVIOUSLY AND SUBMITTED UNDER FDA/SFC PROJECT 01-617-4 AFLATOXIN TOXICITY IN NON-HUMAN PRIMATES.MOYNIHAN

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Message Attributes

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